

Docket No.: 20731 US (C38435/120940)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Akira ASAKURA, *et al.*)

Serial No.: 09/938,035)

Filed: August 23, 2001)

For: **MICROBIAL PROCESS FOR
PRODUCING L-ASCORBIC ACID, D-
ERYTHORBIC ACID, AND SALTS
THEREOF**)

Examiner: Herbert J. LILLING

Art Unit: 1651

#13
A-1
5/8/03

New York, New York
April 28, 2003

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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This is in response to the Office Action mailed March 26, 2003, which set a one-month shortened statutory period for response. Accordingly, this Response is timely filed with an executed certificate of mailing on or before April 28, 2003, because April 26, 2003, was a Saturday. 37 C.F.R. §§ 1.7 and 1.8.

It is not believed that this response occasions any fee, but should there be any fee, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

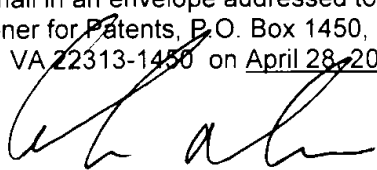
On page 2 of the Office Action, the Examiner issued a three-way restriction requirement pursuant to 35 U.S.C. § 121. The restriction divided the claims into the following allegedly distinct inventions:

Group I drawn to "a process for the preparation for producing [sic] L-ascorbic acid" containing claims 1, 3-16, and 18; Group II drawn to "a process for the preparation for producing [sic] D-erythorbic acid" containing claims 2-16 and 19; and Group III drawn to "an isolated microorganism DSM No. 13649, DSM 13650 and DSM 13651" containing claims 17 and 20. (*Id.*).

In accordance with restriction practice, the subject matter of claims 1, 3-16 and 18 (Group I) is hereby elected for prosecution with traverse.

For the reasons set forth above, examination on the merits and allowance of the claims respectfully is requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 28, 2003.



Gonzalo Merino, Ph.D., Reg. No. 51,192

Respectfully submitted,

By: 

Gonzalo Merino, Ph.D.
Registration No. 51,192
BRYAN CAVE LLP
245 Park Avenue
New York, NY 10167-0034
Phone (212) 692-1800
Fax (212) 692-1900